

## NINETEENTH JUDICIAL DISTRICT COURT FOR THE PARISH OF EAST BATON ROUGE

STATE OF LOUISIANA

NUMBER: 509-297

DIVISION: D

**J. ROBERT WOOLEY, COMMISSIONER OF INSURANCE  
FOR THE STATE OF LOUISIANA IN HIS CAPACITY AS LIQUIDATOR OF AmCARE  
HEALTH PLANS OF LOUISIANA**

VERSUS

**FOUNDATION HEALTH CORPORATION, FOUNDATION HEALTH SYSTEMS, INC.,  
AND HEALTH NET, INC.**

FILED: \_\_\_\_\_

DEPUTY CLERK

MOTION AND ORDER TO FOR ASSIGNMENT TO DIVISION D.  
TO TRANSFER AND CONSOLIDATE

NOW INTO COURT, through undersigned counsel, comes J. Robert Wooley, as Acting Commissioner of Insurance for the State of Louisiana, in his capacity as Liquidator of AmCare Health Plans of Louisiana (the "Commissioner") through his duly appointed Receiver, Marlon V. Harrison (the "Receiver"), who respectfully represents:

1.

By order of the Nineteenth Judicial District Court in case number 499-737, Division "D", on September 23, 2002, this Court entered an order of rehabilitation and the Commissioner of Insurance and the Receiver were appointed by this Court to rehabilitate AmCare Health Plans of Louisiana, Inc. ("AmCare-LA").

2.

By order of this Court in the same matter in Division D on November 12, 2002, this Court entered a permanent order of liquidation and the Commissioner and the Receiver were appointed by this Court to liquidate AmCare-LA.

3.

These orders both contained an injunction to prevent interference with the AmCare LA's rehabilitation and liquidation, to prevent waste of AmCare-LA's assets, and to stay the commencement and prosecution of actions involving AmCare-LA or the making of any levies against AmCare-LA or its assets. The Commissioner and that Court have been actively

REC'D C.P.  
JUL 02 2003

implementing the AmCare-LA rehabilitation order and subsequently the AmCare-LA liquidation order since the orders were signed. That Court has been actively implementing the insurance laws of the State of Louisiana designed to protect the public and the AmCare-LA policyholders in that proceeding.

4.

By the order of liquidation of this Court, Division D, of November 12, 2002, Division D and this Court conferred exclusive jurisdiction in this Court, Division D, over all matters related to AmCare-LA:

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this Court has exclusive jurisdiction over all matters relating to AmCare and the rehabilitation and liquidation of AmCare.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Clerk of Court for 19<sup>th</sup> Judicial District Court for the Parish of East Baton Rouge be directed to file any proceeding related in any way to or arising out of AmCare in this proceeding, case number 499-737, to be numbered in consecutive order as follows: 499-737-01, 499-737-02, 499-737-03, et seq., and assigned to Division D of this Court, and further than any suits pending or filed against AmCare, the Rehabilitator, the Liquidator, and/or the Receiver or in any way related to or arising out of AmCare be transferred to Division D of this Court.

5.

The present suit arises out of the rehabilitation and liquidation of AmCare-LA and the exclusive jurisdiction of Division D over all matters related to same, and therefore involve common issues of law and fact and mover suggests that in order to best serve the ends of justice, judicial efficiency, and economy, these two lawsuits should be heard at the same time before the same tribunal.

6.

The prior order of this Court, Division D, requires that the Clerk of Court for the 19<sup>th</sup> Judicial District Court for the Parish of East Baton Rouge assign this proceeding, which proceeding is related to or arises out of the AmCare liquidation, case number 499-737, to be numbered in consecutive order as case number 499-737-01, and that this proceeding be assigned to Division D of this Court.

7.

The prior order of this Court, Division D, requires that this proceeding be transferred to Division D of this Court.

8.

Therefore, mover asks that the present suit be transferred to Division D of this Court and consolidated with the matter entitled "J. Robert Wooley, as Acting Commissioner of Insurance for the State of Louisiana v. AmCare Health Plans of Louisiana.", case number 499-737, for all purposes and determination before that honorable Court.

WHEREFORE, mover prays for an order accordingly.

Respectfully submitted,

Buser & Associates, APLC

BY: Sue Buser

Sue Buser #18151  
1518 Highway 30 East  
Gonzales, LA 70737  
Telephone: (225) 644-6100  
Fax: (225) 644-6111

Attorneys for J. Robert Wooley,  
Commissioner of Insurance  
for the State of Louisiana as Liquidator of AmCare  
Health Plans of Louisiana, and  
his Receiver, Marlon V. Harrison

CERTIFIED TRUE COPY

026172

DEPUTY CLERK OF COURT

CLERK OF COURT E.B.R. PARISH  
2003 JUN 30 PM 2:38  
DEPUTY CLERK & RECORDER FOR  
DOUG WELBORN  
CLERK OF COURT E.B.R. PARISH

## NINETEENTH JUDICIAL DISTRICT COURT FOR THE PARISH OF EAST BATON ROUGE

## STATE OF LOUISIANA

NUMBER:

DIVISION:

**J. ROBERT WOOLEY, COMMISSIONER OF INSURANCE  
FOR THE STATE OF LOUISIANA IN HIS CAPACITY AS LIQUIDATOR OF AmCARE  
HEALTH PLANS OF LOUISIANA**

VERSUS

**FOUNDATION HEALTH CORPORATION, FOUNDATION HEALTH SYSTEMS, INC.,  
AND HEALTH NET, INC.**

FILED: \_\_\_\_\_

DEPUTY CLERK

## O R D E R

Considering the motion and order for assignment to Division D, to transfer and consolidate filed herein and the Court finding that the parties are entitled to the relief granted,

IT IS ORDERED, ADJUDGED, AND DECREED that the matter entitled "J. Robert Wooley, Commissioner of Insurance for the State of Louisiana in his capacity as Liquidator of AmCare Health Plans of Louisiana v. Foundation Health Corporation, Foundation Health Systems, Inc. And Health Net, Inc. ", case number \_\_\_\_\_ on the docket of this Court, be and hereby is transferred to Division "D", assigned case number 499-737-01, and consolidated with the suit entitled "J. Robert Wooley, as Acting Commissioner of Insurance for the State of Louisiana v. AmCare Health Plans of Louisiana.", case number 499-737, Division D, for all further proceedings and final disposition.

Baton Rouge, Louisiana, this 30 day of June, 2003.

*James Clark*  
JUDGE

CERTIFIED TRUE COPY

026173

DEPUTY CLERK OF COURT

PLEASE SERVE THIS ORDER WITH THE PETITION FILED IN THIS MATTER

NINETEENTH JUDICIAL DISTRICT  
EAST BATON ROUGE PARISH, LA.  
FILED

2003 JUN 30 PM 2:38

DEPUTY CLERK OF COURT FOR

DOUG WELBORN

CLERK OF COURT E.B.R. PARISH

**NINETEENTH JUDICIAL DISTRICT COURT FOR THE PARISH OF EAST BATON ROUGE**  
**STATE OF LOUISIANA**

NUMBER:

DIVISION:

J. ROBERT WOOLEY, COMMISSIONER OF INSURANCE  
 FOR THE STATE OF LOUISIANA IN HIS CAPACITY AS LIQUIDATOR OF AmCARE HEALTH  
 PLANS OF LOUISIANA

VERSUS

**FOUNDATION HEALTH CORPORATION, FOUNDATION HEALTH SYSTEMS, INC.,  
 AND HEALTH NET, INC.**

FILED: \_\_\_\_\_

DEPUTY CLERK

VERIFICATION

STATE OF LOUISIANA

COUNTY/PARISH OF EAST BATON ROUGE

BEFORE ME, the undersigned authority, duly commissioned and qualified within and for the  
 State and Parish aforesaid personally came and appeared:

MARLON V. HARRISON

CERTIFIED TRUE COPY

026174

DEPUTY CLERK OF COURT

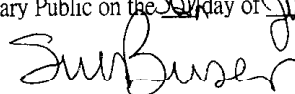
a person known by me, Notary Public, to be of lawful age and a resident of the Parish of East Baton  
 Rouge, Louisiana and who, after first being duly sworn by me, did depose and say:

That he is the duly authorized and court-appointed Receiver for AmCare Health Plans of  
 Louisiana in Liquidation.

He has read the foregoing Petition to enforce guarantee and for damages and the allegations  
 contained therein and he is true and correct to the best of his personal knowledge and information.

  
 MARLON V. HARRISON

SWORN TO AND SUBSCRIBED before me,  
 Notary Public on the 30th day of June, 2003.



NINETEENTH JUDICIAL DISTRICT  
 EAST BATON ROUGE PARISH, LA.  
 FILED

2003 JUN 30 PM 2:38

DEPUTY CLERK OF COURT

DOUG WELSHORN  
 CLERK OF COURT EAST BATON ROUGE PARISH